IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPLICATION NO.202 OF 2007
IN
CRIMINAL APPLICATION NO.578 OF 2006
IN
CRIMINAL APPLICATION NO.3156 OF 2006

The State of Maharashtra .....Applicant.
Vs.
Mahendra Govardhan Arya & Anr. .....Respondents.

Ms.M.H.Mhatre, APP for the Applicant/State.

CORAM : J.H.BHATIA, J.
DATE : JUNE 25, 2007.

P.C.

1. This is an application for restoration of Criminal Application No.578 of 2006, which was dismissed for want of prosecution due to non-compliance of the order dated 17th November, 2006. The said application was for condonation of delay in filing the appeal against acquittal. The record reveals that on 17th November, 2006, time was granted to the petitioner upto 14th December, 2006 to file appropriate affidavit of service to the respondents failing which the application would stand dismissed for want of prosecution. It is contended in the present application that as per the said order, respondent was actually served and the compliance report dated 27-11-2006 was sent by the Senior Police Inspector to the High Court. However, it appears that the said report was not received and the appropriate affidavit

was not filed. Therefore, the matter was dismissed while the notice was actually served on the respondents.

2. In view of these circumstances, present application is allowed. Criminal Application No.578 of 2006 is hereby restored.

[J.H.BHATIA, J.]

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1. The application is restored to the file today. Fresh notice be served on the respondents within 6 weeks.

(J.H.Bhatia, J.)